

Kazerouni Law Group, APC
2700 N. Main Street, Ste. 1000
Santa Ana, California 92705

KAZEROUNI LAW GROUP, APC
Abbas Kazerounian, Esq. (SBN: 249203)
ak@kazlg.com
S. Mohammad Kazerouni, Esq. (SBN: 252835)
mike@kazlg.com
Assal Assassi, Esq. (SBN: 274249)
assal@kazlg.com
Matthew M. Loker, Esq. (SBN: 279939)
2700 N. Main Street, Ste. 1000
Santa Ana, California 92705
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

HYDE & SWIGART
Robert L. Hyde, Esq. (SBN: 227183)
bob@westcostlitigation.com
Joshua B. Swigart, Esq. (SBN: 225557)
josh@westcoastlitigation.com
411 Camino Del Rio South, Suite 301
San Diego, CA 92108
Telephone: (619) 233-7770
Facsimile: (619) 297-1022

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**PARI IRANMANESH,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

**EXECUTIVE FINANCIAL
ENTERPRISES, INC.,**

Defendants.

Case No.: '11CV2938 JM JMA

CLASS ACTION

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

///

INTRODUCTION

1. Pari Iranmanesh (“Plaintiff”) brings this class action for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of Executive Financial Enterprises, Inc., and its related entities, subsidiaries and agents (“Defendant”) in willfully employing and/or causing to be employed certain wire-tapping, eavesdropping, recording and listening equipment in order to record, monitor or listen to the telephone conversations of Plaintiff without the knowledge or consent of Plaintiff, in violation of California Penal Code §§ 630 *et seq.*, thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon personal knowledge as to their own acts and experiences, and, as to all other matters, upon information and belief, including the investigation conducted by her attorneys.
2. California Penal Code § 632 prohibits one party to a telephone call from intentionally recording the conversation without the knowledge or consent of the other. Penal Code § 632 is violated the moment the recording is made without the consent of all parties thereto, regardless of whether it is subsequently disclosed. The only intent required by Penal Code § 632 is that the act of recording itself be done intentionally. There is no requisite intent on behalf of the party doing the surreptitious recording to break California or any other law, or to invade the privacy right of any other person. Plaintiff alleges that despite California’s two-party consent rule, Defendant continues to violate Penal Code § 632 by impermissibly recording, monitoring, and/or eavesdropping upon its telephone conversations with California residents.
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to a plaintiff, or to a plaintiff’s counsel, which Plaintiff alleges on personal knowledge.

JURISDICTION AND VENUE

4. Jurisdiction is proper under 28 U.S.C. § 1332.

5. Venue is proper in the United States District Court for the Southern District of California pursuant to 18 U.S.C. § 1391(b) and 1441(a) because Defendant does business within the State of California and the County of San Diego.

PARTIES

6. Plaintiff is, and at all times mentioned herein was, an individual citizen and resident of the State of California.

7. Plaintiff is informed and believes, and thereon alleges, that Defendant is, and at all times mentioned herein was, a professional corporation whose primary corporate address is in Beverly Hills, CA. Defendant has a policy and practice of recording and/or monitoring telephone conversations with the public, including California residents. Defendant's employees and agents are directed, trained and instructed to, and do, record, monitor, and/or eavesdrop upon telephone conversations with the public, including California residents.

FACTUAL ALLEGATIONS

8. Defendant is, and at all times mentioned herein was, a professional corporation. Plaintiff is informed and believes, and on the basis of that information and belief alleges, that at all times mentioned in this Complaint, Defendants were the agents and employees of their co-defendants, and in doing the things alleged in this Complaint, were acting within the course and scope of that agency and employment.

9. At all times relevant, Plaintiff was an individual residing within the State of California.

10. Since late 2011, Plaintiff had telephone communications with certain employees, officers and/or agents of Defendant. Each of these conversations

1 with Plaintiff was, surreptitiously and without knowledge or consent,
2 recorded, monitored, and/or eavesdropped upon by Defendant, causing harm
3 and damage to Plaintiff. At no time during these calls was Plaintiff ever
4 informed that Plaintiff's telephone call were being monitored, recorded,
5 and/or eavesdropped upon. At no time during these calls did Plaintiff give
6 consent for the telephone calls to be monitored, recorded and/or
7 eavesdropped upon.

8 11. Specifically, on or about November 29, 2011, Plaintiff contacted Defendant
9 by telephone in order to inquire about an alleged debt that Defendant was
10 collecting from Plaintiff. After speaking with Defendant for a considerable
11 period of time, Plaintiff inquired as to whether the conversation was being
12 recorded and Defendant responded for the first time that Defendant records
13 all calls between Defendant and consumers.

14 12. During the relevant time period, Defendant has had a policy and a practice
15 of recording and/or monitoring telephone conversations with consumers.
16 Defendant's employees and agents are directed, trained and instructed to,
17 and do, record, monitor, and/or eavesdrop upon telephone conversations
18 with the public, including Plaintiff and other California residents.

19 13. From the beginning of 2011 to the present, Defendant has installed and/or
20 caused to be installed certain wire-tapping, eavesdropping, and listening
21 equipment in its employees' or agents' telephone lines. Defendant uses
22 these devices to overhear, record, and listen to each and every telephone
23 conversation on said telephone lines.

24 14. During the relevant time period, Defendant has had all of its calls to the
25 public, including those made to California residents, recorded, monitored,
26 and/or eavesdropped upon without the knowledge or consent of the public,
27 including Plaintiff and other California residents.
28

1 15. Defendant's conduct alleged herein constitutes violations of the right to
2 privacy to the public, including Plaintiff and other California residents, and
3 California Penal Code § 630 *et seq.*

4 **CLASS ACTION ALLEGATIONS**

5 16. Plaintiff brings this action on behalf of herself and on behalf of all others
6 similarly situated ("The Class").

7 17. Plaintiff represents, and is a member of, "The Class" defined as follows:
8 "All persons in California whose inbound and outbound telephone
9 conversations were monitored, recorded, eavesdropped upon and/or
10 wiretapped without their consent by Defendant within one year prior to the
11 filing of the original Complaint in this action."

12 18. Defendant, and its employees and agents are excluded from The Class.
13 Plaintiff does not know the number of members in The Class, but believe
14 this number to be in the tens of thousands, if not more. Thus, this matter
15 should be certified as a Class action to assist in the expeditious litigation of
16 this matter.

17 19. This suit seeks only damages and injunctive relief for recovery of economic
18 injury on behalf of The Class and it expressly is not intended to request any
19 recovery for personal injury and claims related thereto. Plaintiff reserves the
20 right to expand The Class definition to seek recovery on behalf of additional
21 persons as warranted as facts are learned in further investigation and
22 discovery.

23 20. The joinder of The Class members is impractical and the disposition of their
24 claims in the Class action will provide substantial benefits both to the parties
25 and to the Court. The Class can be identified through Defendant's records.

26 21. There is a well-defined community of interest in the questions of law and
27 fact involved affecting the parties to be represented. The questions of law
28

1 and fact to The Class predominate over questions which may affect
2 individual Class members, including the following:

- 3 a. Whether Defendant has a policy of recording, wiretapping,
4 eavesdropping upon and/or monitoring incoming and/or outgoing calls;
5 b. Whether Defendant discloses to callers and/or obtains their consent that
6 their incoming and/or outgoing telephone conversations were being
7 recorded, wiretapped, eavesdropped upon and/or monitored;
8 c. Whether Defendant's policy of recording, wiretapping, eavesdropping
9 upon and/or monitoring incoming and/or outgoing calls constituted a
10 violation of California Penal Code §§ 631(a), 632(a) and/or 637;
11 d. Whether Defendant's policy of recording, wiretapping, eavesdropping
12 upon, and/or monitoring incoming and/or outgoing calls constitutes a
13 violation of California Business and Professions Code §§ 17200 *et seq.*;
14 e. Whether Defendant's policy of recording, wiretapping, eavesdropping
15 upon, and/or monitoring incoming and/or outgoing calls constitutes an
16 invasion of privacy;
17 f. Whether Plaintiff and The Class were damaged thereby, and the extent of
18 damages for such violations; and
19 g. Whether Defendants should be enjoined from engaging in such conduct
20 in the future.

21 22. Plaintiff is asserting claims that are typical of The Class because every other
22 member of The Class, like Plaintiff, was exposed to virtually identical
23 conduct and are entitled to the greater of statutory damages of \$5,000 per
24 violation or three times actual damages per violation pursuant to Penal Code
25 § 637.2(a).

26 23. Plaintiff will fairly and adequately represent and protect the interests of The
27 Class in that Plaintiff has no interest antagonistic to any member of The
28

Class. Plaintiff has retained counsel experienced in handling class action claims to further ensure such protection.

24. Plaintiff and the members of The Class have all suffered irreparable harm as a result of the Defendant's unlawful and wrongful conduct. Absent a class action, The Class will continue to face the potential for irreparable harm. In addition, these violations of law will be allowed to proceed without remedy and Defendant will likely continue such illegal conduct. Because of the size of the individual Class member's claims, few, if any, Class members could afford to seek legal redress for the wrongs complained of herein.

25. A class action is a superior method for the fair and efficient adjudication of this controversy. Class-wide damages are essential to induce Defendant to comply with federal and California law. The interest of The Class members in individually controlling the prosecution of separate claims against Defendant is small because the maximum statutory damages in an individual action for violation of privacy are minimal. Management of these claims is likely to present significantly fewer difficulties than those presented in many class claims.

26. Defendant has acted on grounds generally applicable to The Class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to The Class as a whole.

FIRST CAUSE OF ACTION

INVASION OF PRIVACY: VIOLATION OF PENAL CODE § 630 *ET SEQ.*

27. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

28. Californians have a constitutional right to privacy. Moreover, the California Supreme Court has definitively linked the constitutionally protected right to privacy within the purpose, intent and specific protections of the Privacy Act, including specifically, Penal Code § 632. "In addition, California's

1 explicit constitutional privacy provision (Cal. Const., 1 § 1) was enacted in
2 part specifically to protect California from overly intrusive business
3 practices that were seen to pose a significant and increasing threat to
4 personal privacy. (Citations omitted). Thus, Plaintiff believes that
5 California must be viewed as having a strong and continuing interest in the
6 full and vigorous application of the provisions of section 632 prohibiting the
7 recording of telephone conversations without the knowledge or consent of
8 all parties to the conversation.

9 29. California Penal Code § 632 prohibits one party to a telephone call from
10 intentionally recording the conversation without the knowledge or consent of
11 the other party. Penal Code § 632 is violated the moment the recording is
12 made without the consent of all parties thereto, regardless of whether it is
13 subsequently disclosed that the telephone call was recorded. The only intent
14 required by Penal Code § 632 is that the act of recording itself be done
15 intentionally. There is no requisite intent on behalf of the party doing the
16 surreptitious recording to break California law or any other law, or to invade
17 the privacy right of any other person.

18 30. Plaintiff is informed and believes and thereupon alleges that Defendant
19 employed and/or caused to be employed certain wire-tapping,
20 eavesdropping, recording, and listening equipment on the telephone lines of
21 all employees, officers, directors, and managers of Defendant.

22 31. Plaintiff is informed and believes and thereupon alleges that all these devices
23 were maintained and utilized to overhear, record, and listen to each and
24 every incoming and outgoing telephone conversation over said telephone
25 lines.

26 32. Said wire-tapping, listening, recording, and eavesdropping equipment was
27 used to record, monitor, or listen to the telephone conversations of Plaintiff
28

and the members of The Class, all in violation of California Penal Code §§ 631(a) and/or 632.6(a).

33. At no time during which these telephone conversations were taking place between Defendant or any employee, agent, manager, officer, or director of Defendant, and any other person, did Defendant inform Plaintiff or any other member of The Class that the interceptions, eavesdropping, wire-tapping, listening, and recording of their telephone conversations were taking place and at no time did Plaintiff or any other member of The Class consent to this activity.

34. Defendant, knowing that this conduct was unlawful and a violation of Plaintiff and the members of The Class' right to privacy and a violation of California Penal Code § 630, *et seq.*, did intrude on Plaintiff and the members of The Class' privacy by knowingly and/or negligently and/or intentionally engaging in the aforementioned intercepting, eavesdropping, wire-tapping, listening, and recording activities relative to the telephone conversations between Plaintiff and The Class members, on the one hand, and Defendant on the other hand, as alleged herein above.

35. Based on the foregoing, Plaintiff and the members of The Class are entitled to, and below herein do pray for, their statutory remedies and damages, including but not limited to, those set forth in California Penal Code § 637.2.

36. Because this case is brought for the purposes of enforcing important rights affecting the public interest, Plaintiff and The Class seek recovery of their attorney's fees pursuant to the private attorney general doctrine codified in Code of Civil Procedure § 1021.5, or any other statutory basis.

SECOND CAUSE OF ACTION

INVASION OF PRIVACY: COMMON LAW

37. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

- 1 38. Defendant invaded Plaintiff and the members of The Class' right to privacy
2 by intentionally allowing the unauthorized eavesdropping, wiretapping,
3 recording, and listening of the telephone conversation with Plaintiff and the
4 members of The Class and negligently maintaining the confidentiality of the
5 information of Plaintiff and the members of The Class, as set for above.
- 6 39. The intrusion through the unauthorized eavesdropping, wiretapping,
7 recording, and listening of the telephone conversations with Plaintiff and the
8 members of The Class and the negligently maintaining of the confidentiality
9 of the information of Plaintiff and The Class, was offensive and
10 objectionable to Plaintiff, the Class, and to a reasonable person of ordinary
11 sensibilities.
- 12 40. The intrusion was into a place or thing which was private and which is
13 entitled to be private, in that Plaintiff and The Class' personal conversations
14 and information provided to Defendant were made privately, were intended
15 not to be recorded, and were intended to be kept confidential and protected
16 from unauthorized disclosure.
- 17 41. As a proximate result of Defendant's above acts, Plaintiff and The Class'
18 personal conversations and information were intentionally wire-tapped,
19 eavesdropped, recorded, and listened to, and then distributed and used by
20 persons without prior written authorization, and Plaintiff and The Class
21 suffered general damages in an amount to be determined at trial according to
22 proof.
- 23 42. Defendant is guilty of oppression, fraud, or malice by permitting and
24 intentionally wire-tapping, eavesdropping, recording, and listening to
25 Plaintiff and The Class' personal conversations and information with a
26 willful and conscious disregard of Plaintiff and The Class' right to privacy.
- 27 43. Unless and until enjoined and restrained by order of this Court, Defendant's
28 wrongful conduct will continue to cause Plaintiff and The Class great and

irreparable injury in that the personal information maintained by Defendant can be distributed and used by unauthorized persons. Plaintiff and members of The Class have no adequate remedy at law for the injuries in that a judgment for monetary sanctions will not end the invasion of privacy for Plaintiff and The Class.

THIRD CAUSE OF ACTION

NEGLIGENCE

44. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

45. Defendant, as aforesaid herein, has various statutory and common law duties not to engage in the aforementioned wire-tapping, eavesdropping, recording, and listening conduct such that Plaintiff and The Class' rights to privacy were invaded and breached.

46. Defendant negligently and recklessly engages in the aforementioned eavesdropping, wiretapping, recording, and listening conduct of Plaintiff and The Class.

47. These activities of Defendant as aforesaid in this cause of action and in this Complaint, legally caused actual, statutorily-imposed and/or demonstrable damages to Plaintiff and The Class.

48. As a result of Defendant's activities as aforesaid in this cause of action and Complaint, Plaintiff and The Class suffered damage as a result of the conduct of Defendant. Plaintiff and The Class are entitled to their damages in an amount according to proof at the time of trial.

FOURTH CAUSE OF ACTION

UNLAWFUL, FRAUDULENT AND UNFAIR BUSINESS ACTS AND PRACTICES IN VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONS CODE § 17200, *ET SEQ.*

1 49. Plaintiff incorporates by reference all of the above paragraphs of this
2 Complaint as though fully stated herein.

3 50. As a result of Defendant's violations of California Penal Code §§ 631(a)
4 and/or 632.6(a), as set forth above, and Defendant's violation of California
5 Business and Professions Code § 17200, as set forth below, Plaintiff and The
6 Class have suffered an injury in fact by, among other things, having their
7 personal information recorded without their prior permission or consent, as
8 required by California Penal Code § 630 *et seq.* Additionally, Plaintiff and
9 The Class have lost property in that Plaintiff and The Class suffered and are
10 each entitled to the greater of statutory damages of \$5,000 per violation
11 pursuant to Penal Code § 637.2(a), or three times actual damages per
12 violation pursuant to Penal Code § 637.2(a).

13 51. Defendant's conduct in violation of California Penal Code §§ 631(a) and/or
14 632.6(a), as set forth above, violates California Business and Professions
15 Code § 17200 in the following respects:

- 16 a. Defendant's conduct of overhearing, recording, and listening to each and
17 every incoming and outgoing telephone conversation with Plaintiff and
18 The Class without their prior consent, as set forth above, constitutes an
19 unlawful business practice because Defendant's conduct violates
20 California Penal Code §§ 631(a) and/or 632.6(a); and
- 21 b. Defendant's conduct of overhearing, recording, and listening to each and
22 every incoming and outgoing telephone conversation with Plaintiff and
23 The Class without their prior consent, as set forth above, constitutes an
24 unfair business practice because Defendant's practice is unethical,
25 unscrupulous, and substantially injurious to consumers. The harm to
26 Plaintiff and the members of The Class outweighs the utility, if any, of
27 Defendant's practices.
28

52. Defendant's unlawful and unfair business practices, as described above, present a continuing threat to Plaintiff and the Class since Defendant continues to overhear, record, and listen to each and every incoming and outgoing telephone conversation with California residents, including Plaintiff and The Class without their prior consent. Plaintiff and The Class have no other adequate remedy of law in that absent equitable relief from the Court, Defendant is likely to continue to injure California residents, and thus engendering a multiplicity of judicial proceedings.

53. Pursuant to Business & Professions Code § 17203, Plaintiff and The Class seek an order of this Court for equitable and/or injunctive relief in the form of an order instructing Defendant to prohibit the overhearing, recording, and listening to of each and every incoming and outgoing telephone conversation with California residents, including Plaintiff and The Class without their prior consent and to maintain the confidentiality of the information of Plaintiff and The Class. Plaintiff and The Class also seek the recovery of attorney's fees and costs in prosecuting this action against Defendant under Code of Civil Procedure § 1021.5 and other applicable law.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and The Class members the following relief against Defendant:

1. That this action be certified as a class action on behalf of The Class and Plaintiff be appointed as the representative of The Class;
2. For the greater of statutory damages of \$5,000 per violation or three times actual damage per violation pursuant to Penal Code § 637.2(a) for Plaintiff and each member of The Class;
3. Injunctive relief in the form of an order requiring Defendant to disgorge all ill-gotten gains and awarding Plaintiff and The Class full restitution of all monies wrongfully acquired by Defendant by means of such unfair and

unlawful conduct;

4. That the Court preliminarily and permanently enjoin Defendant from overhearing, recording, and listening to each and every oncoming and outgoing telephone conversation with California resident, including Plaintiff and The Class, without their prior consent, as required by California Penal Code § 630, *et seq.*, and to maintain the confidentiality of the information of Plaintiff and The Class;

5. For statutory damages per statute;

6. For general damages according to proof;

7. For special damages according to proof;

8. For exemplary or punitive damages;

9. For costs of suit;

10. For prejudgment interest at the legal rate; and

11. For such further relief as this Court deems necessary, just, and proper.

TRIAL BY JURY

Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Date: December 19, 2011

Kazerouni Law Group, APC

By: /s Abbas Kazerounian
Abbas Kazerounian

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Pari Iranmanesh, Individually and on Behalf of all Others Similarly Situated

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Hyde & Swigart
411 Camino Del Rio South Suite 301, San Diego, CA 92108

DEFENDANTS

Executive Financial Enterprises, Inc.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'11CV2938 JM JMA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
California Penal Code 630 et seq. 28:1331 YEB

Brief description of cause:
Invasion of Privacy

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 5,000,001+

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/19/11

s/Abbas Kazerounian

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.